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April 27, 2020

By Electronic Filing

The Honorable Tonianne J. Bongiovanni
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608

Re: Doe v. Princeton, NO. 20-CV-4532

Dear Judge Bongiovanni:

Defendant Princeton University attaches, as Exhibits 1–19 to this letter, proposed redactions of filings currently under seal—including documents filed by John Doe (“Plaintiff”), Princeton University (“Defendant” or the “University”), and Judge Martinotti’s April 21, 2020 Opinion.¹ Plaintiff and Defendant agree on all proposed redactions attached to this letter. As Your Honor will see, the parties have carefully tailored the proposed

¹ Exhibits 1–19 to this letter are redacted versions of the following: (Exh. 1) Complaint (Dkt. No. 1); (Exh. 2) Memorandum of Law submitted in Support of Plaintiff John Doe’s Motion for a Temporary Restraining Order (“Motion and Brief”) (Dkt. No. 3); (Exh. 3) Defendant Princeton University’s Response in Opposition to Plaintiff John Doe’s Motion for a Temporary Restraining Order (“Opposition Brief”) (Dkt. No. 14); (Exh. 4) Certification of Christine Gage (Dkt. No. 14); (Exh. 5) Exhibit A to the Gage Certification (Dkt. No. 14); (Exh. 6) Exhibit B to the Gage Certification (Dkt. No. 14); (Exh. 7) Certification of Regan Crotty (Dkt. No. 14); (Exh. 8) Exhibit C to the Crotty Certification (Dkt. No. 14); (Exh. 9) Exhibit D to the Crotty Certification (Dkt. No. 14); (Exh. 10) Exhibit E to the Crotty Certification (Dkt. No. 14); (Exh. 11) Exhibit F to the Crotty Certification (Dkt. No. 14); (Exh. 12) Exhibit G to the Crotty Certification (Dkt. No. 14); (Exh. 13) Exhibit H to the Crotty Certification (Dkt. No. 14); (Exh. 14) Exhibit I to the Crotty Certification (Dkt. No. 14); (Exh. 15) Reply Memorandum of Law (“Reply Brief”) (Dkt. No. 16); (Ex. 16) Reply Declaration of Christian T. Becker (Dkt. No. 15); (Exh. 17) Exhibit B to the Becker Reply Declaration (Dkt. No. 15); (Exh. 18) Exhibit C to the Becker Reply Declaration (Dkt. No. 15); and (Exh. 19) Opinion entered April 21, 2020 (Dkt. No. 20).

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redactions to protect the interests of non-party students who did not choose to be part of this lawsuit; the proposed redactions are limited to personally identifiable information to protect those students.

On April 16, 2020, the Court granted Defendant's Emergency Motion to Seal Plaintiff's Complaint, Motion for injunctive relief, and supporting Brief (Dkt. No. 8). In that Order (Dkt. No. 10), Your Honor gave the parties 10 days to submit proposed redactions to these documents. Subsequently, the parties stipulated, and Your Honor ordered (Dkt. Nos. 17, 18), that by the same date (April 27) the parties would provide proposed redactions to the University's Opposition Brief and Plaintiff's Reply Brief—all of which were filed under temporary seal. On April 22, 2020 Judge Brian Martinotti entered an order temporarily sealing his April 21, 2020 Order and Opinion (Dkt. Nos. 20, 21, 23).

For the ease of the Court's review, the proposed redactions in Exhibits 1–19 are shown using highlighting of information proposed to be redacted. If the Court approves the proposed redactions, the parties will each file so-redacted versions of its filings, and submit a so-redacted version of the Court's Preliminary Injunction opinion, for filing by the Court.

The documents filed under Docket Numbers 14–16 and 20 are currently under temporary seal only. The parties agree that the unredacted versions of those documents are all subject to sealing for the same reasons expressed in the University's Emergency Motion to Seal, which the Court granted, and that any additional Motion to Seal would be largely duplicative of that motion. In order to conserve judicial resources, the parties have therefore prepared the attached Consent Order sealing Docket Numbers 14-16 and 20 for the Court's consideration. If the Court desires a formal motion to seal these documents, the University will prepare and file the same.

Those documents currently under temporary seal but for which the parties have not provided redacted public versions do not contain confidential information, and the parties request that the Court unseal the originally filed versions of those documents.²

² Plaintiff's Motion and Brief to Proceed with the Use of Pseudonyms and for a Protective Order (Dkt. No. 2) and Judge Martinotti's April 21, 2020 Order do not contain confidential information and the parties have agreed to their unsealing. In addition, Exhibits A and B to the Crotty Certification were originally filed as part of a single PDF file including documents with confidential information, but the parties agree they are not themselves confidential. Thus, we attach hereto separate versions of these public documents as Exhibits 20 and 21, respectively.

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As discussed in Defendant's Emergency Motion to Seal, the student complainant / co-respondent to the underlying Title IX investigation and the other current and former students involved in the underlying Title IX investigation – none of whom are parties to this lawsuit – have legitimate interests in maintaining their privacy regarding the matters discussed in the filings. In addition, the University has an interest in maintaining the confidentiality of student claimants and witnesses to Title IX investigations in order to encourage the reporting of misconduct and to encourage student cooperation with Title IX investigations. If the confidentiality of student participants in those investigations is not honored, students may be deterred from reporting or participating in investigations of student misconduct.

The parties are available at the Court's convenience, should the Court have any questions or concerns about the parties' agreed upon, proposed redactions.

Thank you for your courtesy and consideration.

Respectfully submitted,

/s/ Stephen J. Kastenberg

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